

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RHKIDS, LLC,

Case No. 2:17-cv-01907-MMD-PAL

Plaintiff,

ORDER

v.

CASTLE & COOKE MORTGAGE
SERVICES, LLC; ELKHORN COMMUNITY
ASSOCIATION; AND JPMORGAN CHASE
BANK, N.A..

Defendants.

Defendant JPMorgan Chase Bank, NA (“Chase”) removed this case from Nevada state court on July 12, 2017, on the basis of diversity jurisdiction.¹ (ECF No. 1.) On October 18, 2017, this Court issued a notice of intent to dismiss pursuant to Federal Rule of Civil Procedure 4(m) indicating that no proof of service had been filed as to Defendants Castle & Cooke Mortgage Services, LLC (“Castle”) or Elkhorn Community Association (“the HOA”) and giving the parties until November 17, 2017, to file proofs of service with the Court. (ECF No. 20.) No proofs of service were filed in response to the notice. The Court therefore dismissed Castle and the HOA without prejudice on December 28, 2017. (ECF No. 21.) However, in reviewing the briefs and exhibits accompanying Plaintiff’s Motion to Remand (ECF No. 10) and Chase’s Motion to Dismiss (ECF No. 6), the Court has found that proofs of service for Castle and the HOA were filed in this action. (ECF No. 1-2 at 24-25.)

¹Defendant Castle & Cooke Mortgage Services, LLC filed a notice of consent to removal on July 12, 2017. (ECF No. 3.)

1 25; ECF No. 10 at 29.) Therefore, the Court vacates its prior order dismissing Castle and
2 the HOA (ECF No. 21).

3 However, the Court finds that Chase has not met its burden to identify the
4 citizenship of the parties to the action for purposes of removal. Chase asserts: "Upon
5 information and belief, [Castle] is incorporated in the State of Delaware, with its principal
6 place of business in Utah. For diversity purposes, [Castle] is a resident of Delaware and
7 Utah." (ECF No. 5 at 2.) Castle is an LLC. Although corporations are citizens of any state
8 in which they are incorporated or have their principal place of business, "an LLC is a citizen
9 of every state of which its owners/members are citizens." *Johnson v. Columbia Props.*
10 *Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). But as "the party asserting diversity
11 jurisdiction[,] [Chase] bears the burden of proof." *Kanter v. Warner-Lambert Co.*, 265 F.3d
12 853, 857-58 (9th Cir. 2001). Chase has not met its burden. Instead, Chase has yet to
13 identify any members of Castle or clarify whether those members are citizens of different
14 states than Plaintiff. Neither Chase's petition for removal (ECF No. 1) nor its statement
15 regarding removal (ECF No. 5) satisfies the diversity of citizenship requirement under 28
16 U.S.C. § 1332(a).

17 It is therefore ordered that Chase must supplement its statement regarding removal
18 with a document that identifies the state citizenships of each member of Defendant Castle
19 & Cooke Mortgage Services, LLC. Chase must file the supplement within five (5) days of
20 the date of this Order.

21 It is further ordered that the Court's prior order dismissing Castle & Cooke Mortgage
22 Services, LLC and Elkhorn Community Association (ECF No. 21) is vacated and that both
23 parties are reinstated as defendants in this action.

24 DATED THIS 9th day of February 2018.
25



26
27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE